

AN ORDINANCE APPROVING A MAJOR VARIANCE

(Reduction of the Required Rear Yard Setback in the City's R-3, Single- and Two-Family Residential Zoning District, From 10 ft. to 3 ft. / 501 E. Oregon Street, Case No. ZBA-03-MAJ-06)

WHEREAS, the Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the City Council to consider criteria for major variances where there are special circumstances or conditions related to the parcel of land or the structure; and

WHEREAS, the petitioners, Eleanor and William Blackmon, have submitted a petition requesting a major variance to allow a seven-foot reduction of the rear-yard setback at 501 East Oregon Street, in Urbana's R-3, Single and Two-Family Zoning District; and

WHEREAS, said petition was presented to the Urbana Zoning Board of Appeals in Case #ZBA 03-MAJ-6; and

WHEREAS, after due publication in accordance with Section XI-10 of the Urbana Zoning Ordinance and with Chapter 65, Section 5/11-13-14 of the Illinois Compiled Statutes (65 ILCS 5/11-13-14), the Urbana Zoning Board of Appeals (ZBA) held a public hearing on the proposed major variance on September 17, 2003 and the ZBA by a unanimous vote (4-0) of its members recommended approval of the requested variance with a condition that the petitioners conform to the general site plan, to the City Council; and

WHEREAS, after due and proper consideration, the City Council of the City of Urbana has determined that the major variance referenced herein conforms with the major variance procedures in accordance with Article XI, Section XI-3, C.3.d of the Urbana Zoning Ordinance; and

WHEREAS, the City Council agrees with the following findings of fact adopted by the ZBA in support of its recommendation to approve the application for a major variance as requested:

1. The petitioners own the lot to the south (704 Maple) and they request the variance so that in the future, if the lots are ever sold separately, 501 E Oregon would not be nonconforming. The two lots are considered one "zoning lot," and could be built upon as one lot in accordance with current zoning regulations.
2. The need for the variances has not yet been created. The petitioners are aware of the requirements of the Zoning Ordinance and have applied for a variance prior to construction.
3. The requested decrease the rear-yard setback should not detract from the essential character of the neighborhood. The proposal to add an additional garage area with the same setback as the existing garage structure should not significantly disrupt the existing setback line along the Maple Street.
4. The variance should not cause a nuisance to adjacent properties. The subject has been used for years as one lot with that of 704 Maple Street. In this case there should not be any nuisance to adjacent properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

The major variance request by Eleanor and William Blackmon, in Case #ZBA 03-MAJ-06 is hereby approved to allow a reduction of the rear-yard setback from 10' to 3' in Urbana's R-3, Single and Two-Family Zoning District, with the condition that the improvements conform to the submitted general site plan, as approved by the Zoning Board of Appeals.

The major variance described above shall only apply to the property located at 501 East Oregon Street, Urbana, Illinois, more particularly described as follows:

LEGAL DESCRIPTION: Lot 18 in Ealey Place Subdivision of Lots 4 and 5 of Geo. G. Webbers Addition of Outlots to the City of Urbana as per plat recorded in Plat Book "D" at page 275 situated in Champaign County.

PERMANENT PARCEL #: 92-21-17-286-001

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of October, 2003.

PASSED by the City Council this 6th day of October, 2003.

AYES: Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:

APPROVED by the Mayor this 17th day of October, 2003.

Phyllis D. Clark
Phyllis D. Clark, City Clerk
by Robert J. Blunt
Deputy Clerk

Tod Satterthwaite
Tod Satterthwaite, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 6th day of October, 2003, the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2003-10-111, entitled:

"AN ORDINANCE APPROVING A MAJOR VARIANCE (REDUCTION OF THE REQUIRED REAR YARD SETBACK IN THE CITY'S R-3, SINGLE- AND TWO-FAMILY RESIDENTIAL ZONING DISTRICT, FROM 10 FT. TO 3 FT. / 501 E. OREGON STREET, CASE NO. ZBA-03-MAJ-06)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2003-10-111 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20th day of October, 2003, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 20th day of October, 2003.

Phyllis D. Clark

City Clerk

by *Robert J. Roberts*

Deputy Clerk

(SEAL)